

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Examining Operations

Applicant(s):

McCarthy, et al.

Patent No:

10/762,928

Issued:

January 22, 2004

Title:

In Vitro Method for Disassembly/Reassembly of Papillomavirus Virus-Like Particles (VLPs), Homogeneous VLP and Capsomere Compositions Produced by Said Methods; Use Thereof as Vehicle for Improved Purification, and Delivery of

Active Agents

Attorney

Docket No.:

469201-716

TRANSMITTAL LETTER

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SIR:

Enclosed please find the following:

- 1. Information Disclosure Statement;
- 2. Copies of References Cited; and
- 3. A self-addressed, postage paid, return receipt postcard, the date stamp return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or to credit any overpayment, to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Raymond J. Lillie, Esq.

Respectfully submitted,

Raymond J. Lilli

Reg. No. 31,778

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN

Five Becker Farm Road

Roseland, New Jersey 07068

T: (973) 994-1700

F: (973) 994-1744

#212124 v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF:

McCarthy, et al.

SERIAL NO:

10/762,928

GROUP ART UNIT:

Unassigned

FILED:

January 22, 2004

EXAMINER:

Unassigned

CUSTOMER NO.:

27162

FOR:

In Vitro Method for Disassembly/Reassembly of Papillomavirus Virus-

Like Particles (VLPs), Homogeneous VLP and Capsomere

Compositions Produced by Said Methods; Use Thereof as Vehicle for

Improved Purification, and Delivery of Active Agents

ATTY/DKT NO.:

469201-716

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SIR:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449 which are believed to be material to the patentability of the above-identified application.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

X§1.97(b) This Information Disclosure Statement is filed:

- (1) Within three months of the filing date of a national application; OR
- (2) Within three months of the date of entry of the national stage of an international application; OR
- (3) Before the mailing of a first Office Action on the merits. No fee or statement is required.

§1.97(c)	This Information Disclosure Statement is filed after the period specified in
	paragraph (b) above, but before the mailing date of either:

- (1) A Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311; AND

is acco	mpanied by either: (check one)
	The statement as specified in 37 CFR §1.97(e) set out below;
	OR
	The fee of \$180.00 under 37 CFR §1.17(p).

§1.97(d)	This Information	Disclosure	Statement	is	filed	after	the	mailing	date	of
	either:									

- (1) a Final Action or under 37 CFR §1.113; OR
- **(2)** A Notice of Allowance under 37 CFR §1.311;

BUT filed on or before payment of the Issue Fee; AND is accompanied by:

- The statement as specified in 37 CFR §1.97(e) as set forth **(1)** below; AND
- Petition is hereby made under 37 CFR §1.97(d) for (2) consideration of this Information Disclosure Statement; AND,
- (3) The petition fee of \$180.00 set out in 37 CFR §1.17(i).

§1.97(e)	The undersigned Attorney hereby states that:
	each item of information contained in this Information Disclosure Statement was cited in a first communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;
	or no item of information contained in this Information Disclosure Statement
	was cited in a first communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

#212102 v1

Respectfully submitted

Raymond J. Lillie

Reg. No. 31,778

CARELLA, BYRNE BAIN, GILFILLAN,

CECCHI, STEWART & OLSTEIN

Five Becker Farm Road

Roseland, NJ 07068

Tel: (973)994-1700

Fax: (973)994-1744

MAR 0 3 ZDK S

Sheet

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

der the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known				
Application Number	10/762,928			
Filing Date	January 22, 2004			
First Named Inventor	McCarthy			
Art Unit	Unassigned			
Examiner Name	Unassigned			
Attorney Docket Number	469201-716			

Examiner	Cito	Document Number	U. S. PATENT D		T 0 0-1
Initials*	Cite No.1	Document Number	MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where
	110.	Number-Kind Code ² (F known)	WINN-DD-1111	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
		US-			
		US-		•	
		US-			
	-	US-			
		US-			
-		US-			
		US-			
	-	US-	 		

		FORE	IGN PATENT DOCU	IMENTS		\neg	
Examiner Cite Initials* No.1			Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
		Country Code ³ "Number ⁴ "Kind Code ⁶ (if known)	MM-DD-YYYY		Or Relevant Figures Appear	T⁵	
		W00/57906	10-05-2000	Volkin			
	ļ						
	ļ	7-2-1					
	<u> </u>						
	L						

Examiner Signature	Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Nind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

MAR 0 3 2004 P

PTO/SB/08B (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

or the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449/PTO		Complete if Known
	Application Number	10/762,928
INFORMATION DISCLOSURE	Filing Date	January 22, 2004
STATEMENT BY APPLICANT	First Named Inventor	McCarthy
(Use as many sheets as necessary)	Art Unit	Unassigned
(030 as many anoths as necessary)	Examiner Name	Unassigned
Sheet of	Attorney Docket Number	469201-716

		NON PATENT LITERATURE DOCUMENTS	*
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Colomar, et al., <u>J. Virology</u> , Vol. 67, No. 5, pgs. 2779-2786 (May 1993)	
		Sapp, et al., J. Gen. Virol., Vol. 76, pgs. 2407-2412 (1995)	
		Li, et al., J. Virol., Vol. 71, No. 4, pgs. 2988-2995 (April 1997)	
		McCarthy, et al., J. Virol., Vol. 72, No. 1, pgs. 32-41 (January 1998)	
• · · · · · · · · ·		Touze, et al., Nucl. Acids Res., Vol. 26, No. 5, pgs. 1317-1323 (1998)	
	;		

Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.